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Attorneys for Defendants State of Oregon and Kevin Bennett

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RALPH STANLEY COOPER,

Plaintiff,

v.

KEVIN BENNETT; STATE OF OREGON,

Defendants.

Case No. 6:11-cv-06028-HO

ANSWER AND AFFIRMATIVE DEFENSES

Defendants, by and through the undersigned, in response to plaintiff's complaint, admit, deny, and allege as follows:

1.

The complaint speaks for itself, so Defendants need not admit or deny paragraph 1 of the Complaint.

2.

Defendants admit the allegations contained in paragraph 2.

3.

Defendants admit the allegations contained in paragraph 3.

4.

Defendants have insufficient information to either admit or deny the allegations contained in paragraph 4, and therefore deny the same in their entirety.

5.

Defendants admit the allegations contained in paragraph 5.

6.

Defendants admit the allegations contained in paragraph 6.

7.

Defendants deny the allegations contained in paragraph 7.

8.

Defendants admit the allegations contained in paragraph 8.

9.

Defendants have insufficient information to either admit or deny the allegations contained in paragraph 9, and therefore deny the same in their entirety.

10.

Defendants have insufficient information to either admit or deny the allegations contained in paragraph 10, and therefore deny the same in their entirety.

11.

Defendants deny the allegations contained in paragraph 11.

12.

Defendants admit that Bennett pulled over the vehicle for failing to signal 100 feet prior to turning, but deny the remainder of the allegations contained in paragraph 12.

13.

Defendants admit the allegations contained in paragraph 13.

14.

Defendants admit the allegations contained in paragraph 14.

15.

Defendants admit that Bennett contacted the car rental company by telephone and the company requested that Bennett tow the vehicle. Defendants deny the remainder of the allegations contained in paragraph 15.

16.

Defendants admit that Bennett informed the plaintiff and other occupants that they had to exit the vehicle with their possessions. Defendants deny the remainder of the allegations contained in paragraph 16.

17.

Defendants deny the allegations contained in paragraph 17.

18.

Defendants deny the allegations contained in paragraph 18.

19.

Defendants admit the allegations contained in paragraph 19.

20.

Defendants admit the allegations contained in paragraph 20.

21.

Defendants deny the allegations contained in paragraph 21.

22.

Defendants deny the allegations contained in paragraph 22.

23.

Defendants have insufficient information to either admit or deny the allegations contained in paragraph 23, and therefore deny the same in their entirety.

24.

Defendants have insufficient information to either admit or deny the allegations contained in paragraph 24, and therefore deny the same in their entirety.

25.

Defendants have insufficient information to either admit or deny the allegations contained in paragraph 25, and therefore deny the same in their entirety.

26.

Paragraph 26 requires no response.

27.

Defendants deny the allegations contained in paragraph 27.

28.

Defendants deny the allegations contained in paragraph 28.

29.

Defendants deny the allegations contained in paragraph 29.

30.

Defendants deny the allegations contained in paragraph 30.

31.

Defendants deny the allegations contained in paragraph 31.

32.

Paragraph 32 requires no response.

33.

Defendants deny the allegations contained in paragraph 33.

34.

Defendants deny the allegations contained in paragraph 34.

35.

Defendants deny the allegations contained in paragraph 35.

36.

Defendants deny the allegations contained in paragraph 36.

37.

Defendants deny the allegations contained in paragraph 37.

38.

Paragraph 38 requires no response.

39.

Defendants deny the allegations contained in paragraph 39.

40.

Defendants deny the allegations contained in paragraph 40.

41.

Defendants deny the allegations contained in paragraph 41.

42.

Defendants deny the allegations contained in paragraph 42.

43.

Paragraph 43 requires no response.

44.

Defendants deny the allegations contained in paragraph 44.

45.

Defendants deny the allegations contained in paragraph 45.

46.

Defendants deny the allegations contained in paragraph 46.

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Defendants deny the allegations contained in paragraph 47.

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Defendants deny the allegations contained in paragraph 48.

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Defendants deny the allegations contained in paragraph 49.

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Defendants deny the allegations contained in paragraph 50.

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Defendants deny the allegations contained in paragraph 51.

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Defendants deny the allegations contained in paragraph 52.

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Defendants deny the allegations contained in paragraph 53.

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Defendants deny the allegations contained in paragraph 54.

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Defendants deny the allegations contained in paragraph 55.

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Defendants deny the allegations contained in paragraph 56.

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Defendants deny the allegations contained in paragraph 57.

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Defendants deny the allegations contained in paragraph 58.

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Defendants deny the allegations contained in paragraph 59.

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Defendants deny the allegations contained in paragraph 60.

61.

Defendants deny the allegations contained in paragraph 61.

62.

Defendants deny the allegations contained in paragraph 62.

63.

Defendants deny the allegations contained in paragraph 63.

FIRST AFFIRMATIVE DEFENSE

Failure to State a Claim

64.

Plaintiff's claims for relief, Claim One-Count Two, Claim Two-Count Two and Claim Three-Count Two, fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Qualified Immunity — Good Faith

65.

Plaintiff's claims are based on actions of the defendant, which actions were taken in good faith and are therefore barred by the Doctrine of Qualified Immunity.

THIRD AFFIRMATIVE DEFENSE

Statute of Limitations

66.

Plaintiff is barred from seeking relief for any actions that occurred outside the applicable statute of limitations.

WHEREFORE, having fully answered plaintiff's complaint, defendants pray for a judgment in favor of defendants against plaintiff, dismissing plaintiff's complaint in its entirety

and awarding defendants their costs and disbursements incurred herein, and for such other and further relief as the Court may deem appropriate.

DATED this 12 day of April, 2011.

Respectfully submitted,

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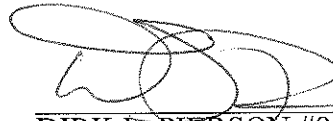
Of Attorneys for Defendants State of Oregon
and Kevin Bennett

CERTIFICATE OF SERVICE

I certify that on April 12, 2011, I served the foregoing ANSWER AND AFFIRMATIVE DEFENSES upon the parties hereto by the method indicated below, and addressed to the following:

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